

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

**MARK POTTER,**

Civil Case No. 09-814-PK

Plaintiff,

O R D E R

v.

**THOMAS CROSSWHITE,**

Defendant.

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Mark W. Potter  
Attorney at Law  
9200 SE Sunnybrook Blvd., Suite 430  
Clackamas, Oregon 97015

Pro Se Plaintiff

Mark E. Griffin  
Griffin & McCandlish  
215 SW Washington Street, Suite 202  
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Attorney for Defendant

KING, Judge:

The Honorable Paul Papak, United States Magistrate Judge, filed Findings and Recommendation on July 29, 2010. Plaintiff filed timely objections to the Findings and Recommendation.

When either party objects to any portion of a magistrate's Findings and Recommendation concerning a dispositive motion or prisoner petition, the district court must make a de novo determination of that portion of the magistrate's report. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982). This court has, therefore, given de novo review of the rulings of Magistrate Judge Papak.

This court ADOPTS the Findings and Recommendation of Magistrate Judge Papak (#29) dated July 29, 2010 in its entirety.

IT IS HEREBY ORDERED that Crosswhite's Motion to Dismiss (#20) is granted. This action is dismissed.

DATED this 20<sup>th</sup> day of September, 2010.

/s/ Garr M. King

GARR M. KING  
United States District Judge